

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariel Courage	Team: Squad #6	CCRB Case #: 201509833	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 11/16/2015 8:10 PM	Location of Incident: In front of § 87(2)(b) and 75th Precinct	Precinct: 75	18 Mo. SOL 5/16/2017	EO SOL 5/16/2017	
Date/Time CV Reported Wed, 11/18/2015 11:24 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 11/18/2015 11:24 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Shibu Madhu	04772	944754	PBBN
2. POM Anthony Donaldson	08286	941671	075 PCT
3. POM Francisco Rivera	31955	955387	PBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kevin Ulrich	16881	955608	PBBN
2. POM Louis Monteleone	2747	955215	PBBN
3. POM Nicholas Murray	23043	955244	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.SGT Shibu Madhu	Abuse: In front of § 87(2)(b) in Brooklyn, Sgt. Shibu Madhu stopped § 87(2)(b) and an individual.	§ 87(2)(g), § 87(4-b)
B.SGT Shibu Madhu	Abuse: In front of § 87(2)(b) in Brooklyn, Sgt. Shibu Madhu frisked § 87(2)(b)	§ 87(2)(g), § 87(4-b)
C.POM Anthony Donaldson	Abuse: In front of § 87(2)(b) in Brooklyn, PO Anthony Donaldson frisked § 87(2)(b)	§ 87(2)(g), § 87(4-b)
D.POM Francisco Rivera	Abuse: In front of § 87(2)(b) in Brooklyn, PO Francisco Rivera frisked an individual.	§ 87(2)(g), § 87(4-b)
E.SGT Shibu Madhu	Abuse: In front of § 87(2)(b) in Brooklyn, Sgt. Shibu Madhu searched § 87(2)(b)	§ 87(2)(g), § 87(4-b)
F.SGT Shibu Madhu	Off. Language: En route to the 75th Precinct, Sgt. Shibu Madhu made remarks to § 87(2)(b) based upon race.	§ 87(2)(g), § 87(4-b)
G.SGT Shibu Madhu	Abuse: At the 75th Precinct stationhouse, Sgt. Shibu Madhu authorized a strip search of § 87(2)(b)	§ 87(2)(g), § 87(4-b)
H.SGT Shibu Madhu	Abuse: At the 75th Precinct stationhouse, Sgt. Shibu Madhu authorized a strip search of § 87(2)(b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)

Case Summary

On November 18, 2015, § 87(2)(b) called the CCRB to file a complaint (BR 01).

This case is submitted past the 90-day benchmark due to delayed receipt of TARU video footage, which was requested on November 19, 2015 and was not received until January 7, 2016; multiple missed interviews by Sgt. Madhu, PO Donaldson, PO Murray, and PO Monteleone; and complications with officer identification, which required that § 87(2)(b) reappear at the CCRB for a photo viewing.

On November 16, 2015, at approximately 8:10 p.m., § 87(2)(b) was standing with two of his friends, one of whom was identified by the investigation as § 87(2)(b) and the other of whom remains unidentified, on the west side of § 87(2)(b) between § 87(2)(b) in front of § 87(2)(b), when they were stopped by Sgt. Shibu Madhu of the 75th Precinct (**Allegation A**). Sgt. Madhu approached with two other officers of the 75th Precinct, identified by the investigation as PO Francisco Rivera and PO Anthony Donaldson.

Sgt. Madhu frisked and searched § 87(2)(b) (**Allegation B and E**). PO Donaldson frisked § 87(2)(b) (**Allegation C**). PO Francisco Rivera frisked § 87(2)(b) (**Allegation D**).

When § 87(2)(b) and § 87(2)(b) were both found to have open warrants, Sgt. Madhu arrested both of them (BR 02 and 03). En route to the 75th Precinct stationhouse, Sgt. Madhu allegedly told § 87(2)(b) “You niggers sell drugs. I know you’re going to put drugs in the vehicle” (**Allegation F**).

At the 75th Precinct stationhouse, Sgt. Madhu authorized a strip search of § 87(2)(b) § 87(2)(b) (**Allegation G**). Sgt. Madhu also allegedly authorized a strip search of § 87(2)(b) § 87(2)(b) (**Allegation H**).

§ 87(2)(g), § 87(4-b)

The investigation obtained video footage from multiple TARU cameras, which do not depict the allegations (BR 04 to 07), though one file (BR 07) does depict a brief portion of this incident after the arrests of § 87(2)(b) and § 87(2)(b)



2016-03-09_18-46-40.mp4

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation due to the arrests.
- On March 8, 2016, a Notice of Claim request was submitted to the Comptroller’s Office. The results will be added to the case file upon receipt (BR 08).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) was listed as a victim in one prior complaint (BR 12):
 - § 87(2)(b)
- This is the first CCRB complaint involving § 87(2)(b) (BR 11).
- Sgt. Madhu has been a member of the service for 8 years. There are 27 allegations against him across 14 prior cases that occurred between 2008 and the present date, the following of which have been substantiated:
 - In CCRB case 200912984, allegations of entry and search and physical force were substantiated. The Board recommended charges and Sgt. Madhu received no disciplinary action.
 - In CCRB case 201308582, an allegation of an entry and search were substantiated. The Board recommended instructions and Sgt. Madhu received formalized training.
- PO Rivera has been a member of the service for 2 years. This is the first CCRB allegation against him.
- PO Donaldson has been a member of the service for 9 years. There are 22 allegations against him across 13 prior cases occurring from 2008 through the present date, none of which has been substantiated. § 87(2)(g)

Potential Issues

- § 87(2)(b) missed two scheduled appointments to provide an in-person statement. The investigation therefore was unable to interview him.
- Neither § 87(2)(b) nor § 87(2)(b) was able to identify the third friend that they were with except by his nickname, “§ 87(2)(b) § 87(2)(b) § 87(2)(b) promised to obtain his contact information and provide it to the CCRB, or have “§ 87(2)(b) contact the agency, but § 87(2)(b) never did so despite attempts to follow up. None of the officers interviewed noted the information for a third individual stopped in either their memo books or in other documentation, such as a Stop, Question, and Frisk report (BR 13). As such, the investigation was not able to identify this third individual and no statement could be obtained from him.
- Video footage was obtained from TARU cameras mounted at the following locations: the east side of § 87(2)(b), at approximately mid-block between § 87(2)(b) facing north towards § 87(2)(b) (BR 04); the east side of § 87(2)(b) at approximately mid-block between § 87(2)(b), facing south towards § 87(2)(b) (BR 05); the west side of § 87(2)(b) at its intersection with § 87(2)(b), facing north on § 87(2)(b) towards § 87(2)(b) (BR 06); and a camera mounted on the west side of § 87(2)(b) at its intersection with § 87(2)(b) facing southbound (BR 07; see above file labeled 2016-03-09_18-46-40.mp4). The investigation determined that the incident occurred on the west side of

§ 87(2)(b), in front of § 87(2)(b), out of the view of all camera angles specified above.

Although the video mounted at § 87(2)(b) facing south (BR 07; see above file labeled 2016-03-09_18-46-40.mp4) documents three officers, two of whom were identified by the investigation as Sgt. Madhu and PO Rivera, walking away with § 87(2)(b) and § 87(2)(b) who are already in handcuffs, it does not document their initial encounter § 87(2)(g).

- Both § 87(2)(b) are part of a NYCHA development. On December 8, 2015, NYCHA returned the subpoena with negative results, citing a lack of cameras at the location (BR 14).

Findings and Recommendations

Allegations Not Pleaded

- § 87(2)(g) [REDACTED]

Explanation of Subject Officer Identification

- It is undisputed that Sgt. Madhu approached § 87(2)(b) and § 87(2)(b) § 87(2)(g) [REDACTED]
- In his telephone statement (BR 15), § 87(2)(b) said that Sgt. Madhu approached with two other officers, described as a Hispanic male, in his 30s or 40s, shorter than 6'0" tall, uniformed, and a white male, about 5'9" tall, 35 to 36 years old, stocky build, and curly dark hair. § 87(2)(b) said that all three officers frisked him. § 87(2)(b) did not allege that any officers frisked § 87(2)(b) or "§ 87(2)(b)

In his telephone statement (BR 16) and in-person statement (BR 17), § 87(2)(b) confirmed that he, § 87(2)(b) and their unidentified acquaintance were approached by Sgt. Madhu and two other officers. § 87(2)(b) described these other two officers as a Hispanic male, black hair, uniformed, around 6'4" tall, and a white male, between 5'6" and 5'9" tall, uniformed, about 180 pounds, with muscular build. § 87(2)(b) believed he read the white officer's name from his uniform as PO "Donaldson." § 87(2)(b) alleged that PO "Donaldson" frisked him, that the Hispanic male officer frisked "§ 87(2)(b)" and that Sgt. Madhu frisked and searched § 87(2)(b)

While TARU footage does not depict the initial encounter between § 87(2)(b) "§ 87(2)(b)" and the police officers, it does depict three police officers generally matching the provided descriptions escorting § 87(2)(b) and § 87(2)(b) who are handcuffed, away from the scene. § 87(2)(g)

Sgt. Madhu (BR 19) did not remember if he was with any other officers when he approached § 87(2)(b) and § 87(2)(b). Sgt. Madhu did not remember if he frisked or searched any civilian before he considered them to be under arrest.

Sgt. Madhu's operator, PO Francisco Rivera, a Hispanic male, § 87(2)(b) old, 5'8" tall, 160 pounds, with brown hair, generally matches the description provided by § 87(2)(b) and § 87(2)(b). Although PO Rivera (BR 20) did not believe he frisked § 87(2)(b) or any other civilian, he acknowledged that he was present when Sgt. Madhu approached § 87(2)(b) and § 87(2)(b) § 87(2)(g).

There is no other officer at the 75th Precinct with a name closely resembling "Donaldson" that matches the given description. There is some indication from an EVENT (BR 21, 22, 23) that officers from PSA 2 responded to the initial report of the shots fired at 7:40 p.m., but there is no indication that they remained on scene to interact with § 87(2)(b) and "§ 87(2)(b)" at 8:10 p.m., and there is no officer at that command closely matching the name "Donaldson."

During a photo viewing conducted on March 2, 2016 (BR 24 and 42), § 87(2)(b) positively identified PO Donaldson as the white male officer who frisked him. § 87(2)(g)

- § 87(2)(g)
- In his telephone statement (BR 15), § 87(2)(b) alleged that during transport to the 75th Precinct stationhouse, the officer matching Sgt. Madhu's description told him, "You niggers sell drugs." § 87(2)(g)
 - § 87(2)(b) alleged that he was strip searched at the 75th Precinct stationhouse. Sgt. Madhu denied that he ever authorized a strip search of § 87(2)(b) nor was there any indication in the command log (BR 25), the memo books of Sgt. Madhu (BR 26) or the arresting officer, PO Ulrich (BR 27) regarding a strip search of § 87(2)(b) or § 87(2)(b)'s arrest report (BR 03) documenting a strip search. § 87(2)(g)

Allegation A – Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Sgt. Shibu Madhu stopped § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

Based upon the EVENT report (BR 21), communications CD (BR 22 and 23), at 7:37 p.m., a Shot Spotter device reported 8 shots fired at § 87(2)(b) in Brooklyn, which is located mid-block on the south side of § 87(2)(b) between § 87(2)(b). A Special Operations officer reviewing TARU footage in the area reported that one male was seen fleeing north on § 87(2)(b) around the time the shots were reported. The officer provided a description of this male as wearing black pants with white stripes, a white-colored t-shirt, with a sweat-shirt wrapped around his shoulders. Although it was initially reported as a male black, the Special Operations officer later corrected this to say it was a possible male Hispanic. On the communications CD (BR 22 and 23), this officer can be heard emphasizing repeatedly that he does not know if this male is involved in the shooting or was simply fleeing in response to the sound of shots fired.

The arrest reports of § 87(2)(b) and § 87(2)(b) (BR 02 and 03), as well as the criminal court complaint associated with their arrests (BR 28), noted that at 8:27 p.m., while Sgt. Madhu was at the incident location canvassing for a suspect fleeing from the scene, he observed § 87(2)(b) and § 87(2)(b) standing by the doorway of § 87(2)(b), which was within the area of the police investigation, and instructed them to leave, as they were blocking the doorway, impeding the flow of police and other people into and out of the building, and that when § 87(2)(b) and § 87(2)(b) refused to do so, they were arrested for disorderly conduct. § 87(2)(b)'s arrest report further notes that he was found to be in possession of promethazine, a controlled substance, recovered from his backpack. The arrest report and the criminal court complaint were both provided by PO Kevin Ulrich. The EVENT report (BR 29) regarding the arrests of § 87(2)(b) and § 87(2)(b) notes that Sgt. Madhu initially reported it at 8:26 p.m. as a "10P2," or investigate possible crime: suspicious person/outside (proowler). At 8:27 p.m., Sgt. Madhu said he had two under from the location. On the communications CD associated with this EVENT (BR 30 and 31), Sgt. Madhu tells the dispatcher initially that he has two males stopped.

In his telephone statement (BR 16) and in-person interview (BR 17), § 87(2)(b) said that on November 16, 2015, he was visiting a friend's apartment at § 87(2)(b) in Brooklyn when his cousin arrived and said that he had heard gunshots outside. § 87(2)(b) left § 87(2)(b) to find § 87(2)(b) who had recently left the apartment at § 87(2)(b) to go to the store, to make sure that he was okay.

§ 87(2)(b) walked north on § 87(2)(b) in the direction of the store until he saw an acquaintance of his, known to § 87(2)(b) only by his nickname, "§ 87(2)(b)". § 87(2)(b) was standing on the west side of § 87(2)(b), in the middle of the sidewalk in front of § 87(2)(b). § 87(2)(b) crossed from the east to the west side of § 87(2)(b) to join "§ 87(2)(b)". As § 87(2)(b) did so, he looked north towards § 87(2)(b) and saw a number of marked police vehicles parked at the intersection of § 87(2)(b). § 87(2)(b) also noticed three uniformed police officers, identified by the investigation as Sgt. Madhu, PO Rivera, and PO Donaldson, walking southbound on the west side § 87(2)(b). Sgt. Madhu was walking slightly ahead of PO Rivera and PO Donaldson.

§ 87(2)(b) approached "§ 87(2)(b)" and shook hands with him. "§ 87(2)(b)" informed § 87(2)(b) that § 87(2)(b) had been with him, but had gone into § 87(2)(b) to get cigarettes from someone. Shortly thereafter, § 87(2)(b) emerged from § 87(2)(b) and joined "§ 87(2)(b)" and § 87(2)(b) on the sidewalk, at which point Sgt. Madhu reached them.

Upon approach, Sgt. Madhu asked § 87(2)(b) and “§ 87(2)(b)” if they had seen or heard gunshots. § 87(2)(b) and “§ 87(2)(b)” each said that they had just arrived at the location and therefore had not seen anything (in his telephone statement, § 87(2)(b) said that Sgt. Madhu accused him and § 87(2)(b) of blocking the entrance to the building in front of which they stood). Sgt. Madhu then requested their identification. § 87(2)(b) and “§ 87(2)(b)” all provided their identifications.

Sgt. Madhu took their identifications and appeared to make a call on his cell phone. § 87(2)(b) believed that Sgt. Madhu was checking to see if they had warrants. While Sgt. Madhu checked their identifications, PO Donaldson frisked § 87(2)(b) and PO Rivera frisked “§ 87(2)(b)”. After about six minutes, Sgt. Madhu returned their identifications. Sgt. Madhu initially told § 87(2)(b) that he was not found to have any open warrants. Sgt. Madhu then frisked § 87(2)(b). Sgt. Madhu then searched him by reaching into his coat pockets, and then by removing § 87(2)(b)’s backpack from his shoulders, opening it, and searching inside of it.

Sgt. Madhu informed § 87(2)(b) that he had an open warrant. § 87(2)(b) knew that he had an open warrant for failing to appear in court, and was compliant with being handcuffed. Sgt. Madhu also informed § 87(2)(b) that he, too, had an open warrant, though § 87(2)(b) expressed confusion given that Sgt. Madhu had initially told him he had no open warrants. Later, at the 75th Precinct stationhouse, Sgt. Madhu informed § 87(2)(b) that he had an open i-card, and also that he was being charged with possession of a quantity of pills Sgt. Madhu found inside of his backpack.

§ 87(2)(b) denied that he and § 87(2)(b) ever blocked the entrance to § 87(2)(b). § 87(2)(b) denied that he saw officers going in and out of § 87(2)(b). § 87(2)(b) also denied that he and § 87(2)(b) were ever standing in front of § 87(2)(b). In a clarifying statement provided on December 21, 2015 (BR 18), § 87(2)(b) (b) said that the officers never told him, § 87(2)(b) and “§ 87(2)(b)” to leave the location before requesting their identifications.

In his telephone statement (BR 15), § 87(2)(b) said he was inside of § 87(2)(b) with § 87(2)(b) and “§ 87(2)(b)” who § 87(2)(b) also could not fully identify. § 87(2)(b) did not specify where exactly he, § 87(2)(b) and “§ 87(2)(b)” stood once they exited the building. When they exited the building, they saw a number of officers on scene, some of whom were in plainclothes. A few of these plainclothes approached § 87(2)(b) and “§ 87(2)(b)” and asked them if they had heard gunshots; when § 87(2)(b) and “§ 87(2)(b)” said they had not, these officers left them alone. § 87(2)(b) and “§ 87(2)(b)” remained on scene for about five minutes before Sgt. Madhu approached and requested their identifications, informing them that they were in trouble for “disorderly conduct,” though § 87(2)(b) did not believe he had done anything wrong.

Before § 87(2)(b) could provide his, Sgt. Madhu removed § 87(2)(b)’s backpack and searched it, revealing medication that § 87(2)(b) was carrying for his girlfriend, for which § 87(2)(b) had a prescription. After searching the backpack, Sgt. Madhu, PO Donaldson, and PO Rivera all participated in frisking § 87(2)(b)’s person. Only after the search and frisk were complete did Sgt. Madhu obtain § 87(2)(b)’s identification. § 87(2)(b) believed that he did not have a warrant, but was nonetheless arrested. § 87(2)(b) made no mention of any frisk of § 87(2)(b) or “§ 87(2)(b)”.

As was discussed above, § 87(2)(b) did not cooperate in this investigation, and the investigation was therefore unable to obtain further information from him. Also, due to a lack of

evidence, the investigation was unable to identify and consequently unable to establish contact with “§ 87(2)(b)

An additional EVENT report (BR 32) was obtained documenting that two officers of the 75th Precinct, identified by the investigation as PO Louis Monteleone and PO Nicholas Murray, conducted a vertical patrol of § 87(2)(b) at 7:56 p.m. In his CCRB interview (BR 33), PO Monteleone denied recalling what led him to conduct the vertical at § 87(2)(b). PO Monteleone had no recollection of ever observing a group of individuals blocking the entrance to § 87(2)(b), and he did not recognize the CCRB photograph of § 87(2)(b). In his CCRB interview (BR 34), PO Murray said that when he arrived to the incident location, he saw Sgt. Madhu speaking with an unidentified female outside of § 87(2)(b), though he did not know what conversation they had. PO Murray and PO Monteleone performed a vertical at § 87(2)(b); when they completed that vertical, Sgt. Madhu instructed them to perform a vertical at § 87(2)(b). PO Murray did not remember witnessing this female direct Sgt. Madhu around the corner from § 87(2)(b). PO Murray also had no recollection of any individuals blocking the entrance of § 87(2)(b).

Video footage obtained from the TARU camera mounted mid-block on the east side of § 87(2)(b) facing north (BR 04) covers the entrance of § 87(2)(b). Beginning at 7:42 minutes, a group of plainclothes and uniformed officers are visible gathered in front of the location. They mill about in front of it until 7:48 minutes, when they leave, walking north on § 87(2)(b) toward § 87(2)(b) away from § 87(2)(b). At 7:56 p.m., two uniformed male officers, identified by the investigation as PO Murray and PO Monteleone, are visible entering § 87(2)(b). At 8:02 p.m., they leave, walking back in the direction of § 87(2)(b). At no point does § 87(2)(b) or any other civilian appear to be blocking the door to the location.

Video footage obtained from the TARU camera mounted on the west side of § 87(2)(b) at its intersection with § 87(2)(b) (BR 07; see above file labeled 2016-03-09_18-46-40.mp4), facing southbound, does not depict the initial encounter between § 87(2)(b) and Sgt. Madhu, as the camera does not extend that far, and as there is scaffolding covering the west side of § 87(2)(b) southward from § 87(2)(b). At 8:22 p.m., § 87(2)(b) and § 87(2)(b) appear, being escorted north bound on the west side of § 87(2)(b) by three officers. Both § 87(2)(b) and § 87(2)(b) are handcuffed. § 87(2)(b) the shorter of the two defendants, is being escorted by a uniformed male officer, identified by the investigation based upon his physical appearance as PO Donaldson. § 87(2)(b) is being escorted by Sgt. Madhu, who stands behind him, and is identifiable at 8:23 p.m., by the chevrons on the sleeve of his uniform. An officer, identified by the investigation as PO Rivera, walks between them. Sgt. Madhu pauses and appears to search § 87(2)(b)'s pockets. At 8:24 p.m., Sgt. Madhu, § 87(2)(b), PO Donaldson, and § 87(2)(b) walk north and west on § 87(2)(b) until they disappear from the frame. While video footage does not depict any manifest misconduct, it does confirm that § 87(2)(b) and § 87(2)(b) were likely approached in front of § 87(2)(b), not § 87(2)(b).

Sgt. Madhu (BR 19) said that he responded to the report of shots fired. Aside from the location, given as § 87(2)(b), Sgt. Madhu had no recollection of receiving any additional information. Sgt. Madhu reviewed the EVENT report (BR 21) regarding the shots fired, and his attention was directed specifically to the notations regarding the description of a possibly involved person and his direction of flight, which did not refresh his recollection.

When Sgt. Madhu responded to the report of shots fired, he spoke with a female who was walking on the south side of § 87(2)(b), near its intersection with § 87(2)(b). When Sgt. Madhu asked this female about the shots fired, the female pointed the officers around the corner, or east and southbound from § 87(2)(b) to § 87(2)(b). The female did not provide any other information. The female did not indicate which side of § 87(2)(b) the officers should focus upon. The female did not elaborate upon why she was pointing officers in that direction. The female refused to provide her pedigree information to Sgt. Madhu. Sgt. Madhu thought that the female did not really want to be seen speaking to the officers, as they were in uniform. Sgt. Madhu could not state at what point during his time on scene this conversation occurred.

Sgt. Madhu turned from § 87(2)(b) to § 87(2)(b). Based upon the direction given by the unidentified female, Sgt. Madhu considered the part of § 87(2)(b) close to its intersection with § 87(2)(b) to be a possible crime scene. When Sgt. Madhu turned the corner from § 87(2)(b) to § 87(2)(b), he observed § 87(2)(b) standing in front of § 87(2)(b) with another individual, § 87(2)(b). Sgt. Madhu had no recollection of a third person being with § 87(2)(b) and § 87(2)(b). Sgt. Madhu could not state how long he observed § 87(2)(b) and § 87(2)(b) before approaching them.

Sgt. Madhu recognized § 87(2)(b) from a prior encounter in which he had arrested § 87(2)(b) a few months before this incident. § 87(2)(e)

§ 87(2)(b) Sgt. Madhu also knew that § 87(2)(b) did not reside in the area, as he previously had provided his address to Sgt. Madhu during the earlier arrest. Sgt. Madhu thought it possible that § 87(2)(b) had been involved in the report of shots fired, as Sgt. Madhu knew from the previous arrest that § 87(2)(b) has been victims of shootings. Sgt. Madhu also noted that the area of § 87(2)(b) is prone both to drug sales and violent crime.

Sgt. Madhu approached § 87(2)(b) and § 87(2)(b) and told them to leave the area. Sgt. Madhu did not remember if he was with any other officers when he told § 87(2)(b) and § 87(2)(b) to leave. Sgt. Madhu told them to leave because he wanted to preserve the possible crime scene. Sgt. Madhu did not remember how exactly § 87(2)(b) and § 87(2)(b) reacted to being told to leave. Sgt. Madhu believed that § 87(2)(b) and § 87(2)(b) did not leave when instructed to do so, verbally stated that they would not leave, and cursed at Sgt. Madhu, though Sgt. Madhu did not remember what they said. After § 87(2)(b) and § 87(2)(b) each refused a couple of orders given in quick succession to depart the area, Sgt. Madhu decided to issue both of them summonses for disorderly conduct, at which time he requested their identifications. § 87(2)(b) and § 87(2)(b) complied. When Sgt. Madhu checked their identifications, he found § 87(2)(b) to have an open i-card and § 87(2)(b) to have an open warrant. Both men were subsequently arrested. Sgt. Madhu did not recall frisking either § 87(2)(b) or § 87(2)(b) and did not recall seeing any officer do so. Sgt. Madhu did not believe the promethazine pills § 87(2)(b) had were recovered until they returned to the 75th Precinct stationhouse.

Sgt. Madhu did not remember if the buildings of § 87(2)(b) and § 87(2)(b) were ever considered to be part of his investigation of the shots fired, and did not remember any investigative actions being taken with respect to either building. Reviewing the EVENT report (BR 32) documenting PO Murray's and PO Monteleone's vertical patrol at § 87(2)(b) did not refresh his recollection. Sgt. Madhu never saw § 87(2)(b) and § 87(2)(b) blocking the entrance to either § 87(2)(b). After reviewing the arrest reports (BR 02 and 03) and the criminal court complaint (BR 28), Sgt. Madhu said he had

no knowledge as to why the address was listed as § 87(2)(b). Sgt. Madhu confirmed that he spoke to PO Ulrich, and explained to him the original violation, and why § 87(2)(b) and § 87(2)(b) were placed under arrest. Sgt. Madhu had no knowledge as to why PO Ulrich wrote that § 87(2)(b) and § 87(2)(b) were observed blocking the entrance to § 87(2)(b).

Sgt. Madhu noted in his memo book that at 8:10 p.m., two males were stopped in front of § 87(2)(b). It appears from his memo book that Sgt. Madhu initially wrote “3” males, and then wrote “2” over the “3” (BR 35). When questioned about this, Sgt. Madhu said he did not believe there was a “3” written under the “2.” Reviewing this did not refresh his memory as to whether or not there was a third individual with § 87(2)(b) and § 87(2)(b) when they were stopped.

ITSD searches (BR 43) reveal that Sgt. Madhu performed warrant checks only of § 87(2)(b) and § 87(2)(b) and confirms that § 87(2)(b) was found to have an open i-card and § 87(2)(b) was found to have an open warrant.

§ 87(2)(g). PO Rivera said that almost immediately upon their arrival on § 87(2)(b) in response to the report of shots fired, they spoke to an unidentified woman, who said that the shots had been coming from § 87(2)(b) between § 87(2)(b), but who provided no other information. Sgt. Madhu instructed PO Rivera to drive around the corner from § 87(2)(b) to § 87(2)(b), which PO Rivera did. Almost immediately upon turning onto § 87(2)(b), Sgt. Madhu exited the vehicle and approached a group of individuals. PO Rivera did not recall on which side of § 87(2)(b) these individuals were standing. PO Rivera waited behind in the RMP. PO Rivera did not remember how many individuals were in the group Sgt. Madhu approached. PO Rivera did not know why Sgt. Madhu approached them. PO Rivera could tell that Sgt. Madhu spoke to the individuals, but could not hear what was said. After a short period of time, or about one to two minutes at most, Sgt. Madhu returned to the RMP with two, or possibly three – PO Rivera was unsure – identifications. PO Rivera then exited the RMP to wait with the individuals while Sgt. Madhu checked them for warrants. After a few minutes, Sgt. Madhu returned and informed PO Rivera that two individuals had warrants. These two individuals, identified as § 87(2)(b) and § 87(2)(b) were arrested. PO Rivera denied that he ever frisked or searched any of these individuals before he learned that they had warrants. PO Rivera denied that he ever saw any officer do so. PO Rivera did not remember any other officers being present when Sgt. Madhu initially approached § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b)'s behavior was “fine,” or “nothing out of the ordinary.”

PO Ulrich (BR 36) said that at 8:25 p.m., Sgt. Madhu requested his assistance in transporting two males to the 75th Precinct stationhouse. When PO Ulrich responded, he saw Sgt. Madhu standing with § 87(2)(b) and § 87(2)(b) in front of § 87(2)(b), along with several plainclothes and uniformed officers. Reviewing the video footage did not refresh PO Ulrich's recollection of where he picked § 87(2)(b) and § 87(2)(b) up. § 87(2)(b) and § 87(2)(b) were both already handcuffed. Both were behaving in a violent and tumultuous manner in that they were yelling and cursing, making statements such as, “Fuck the police.” PO Ulrich briefly spoke to Sgt. Madhu on scene. Sgt. Madhu told PO Ulrich that § 87(2)(b) and § 87(2)(b) had been acting disorderly and had not allowed them to conduct a canvass regarding the earlier shooting. When PO Ulrich returned to the stationhouse, Sgt. Madhu told PO Ulrich that § 87(2)(b) and § 87(2)(b) had obstructed the officers' investigation by blocking the entrance to § 87(2)(b) while officers were trying to conduct a vertical

patrol to check for ballistics. Sgt. Madhu was vague, and did not specify to PO Ulrich what he meant by “block.” PO Ulrich did not know if Sgt. Madhu was personally attempting to conduct this vertical or if other officers were. Sgt. Madhu did not specify what led him to § 87(2)(b) in the first place.

PO Donaldson (BR 38) said that he was not working – specifically, he was at home asleep – at the time of this incident, and denied all knowledge of what occurred. PO Donaldson believed that his tour ended at 3:35 p.m. on November 16, 2015, and that he did not work again until 11 p.m. on November 16, 2015. PO Donaldson did not believe he worked any overtime on November 16, 2015, and would have noted such in his memo book had he done so (BR 35). This is generally corroborated by the Roll Call for Tour 3 of November 16, 2015, which does not list PO Donaldson as working, and for Tour 1 of November 17, 2015, which confirms that PO Donaldson was scheduled to work from 11 p.m. on November 16, 2015, through 7:50 a.m. on November 17, 2015 (BR 37). § 87(2)(g)

A request for information is a general, non-threatening encounter in which an individual is approached for an articulable reason and asked briefly about his or her identity, destination, or reason for being in the area. An officer may stop a person only if he reasonably suspects that person is committing, has committed, or is about to commit a crime. People v. De Bour, 40 N.Y.2d 210 (1976) (BR 39).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted text block]

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§ 87(2)(g) [Redacted text block]

§ 87(2)(g)

Allegation B – Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Sgt. Shibu Madhu frisked § 87(2)(b)

Allegation E – Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Sgt. Shibu Madhu searched § 87(2)(b)

Allegation F – Offensive Language: En route to the 75th Precinct stationhouse, Sgt. Shibu Madhu made remarks to § 87(2)(b) based upon race.

Allegation G – Abuse of Authority: At the 75th Precinct stationhouse, Sgt. Shibu Madhu authorized a strip search of § 87(2)(b)

As was discussed above, § 87(2)(b) missed two scheduled appointments to provide an in-person statement without providing cancellation notice. As such, no in-person statement could be obtained from him.

§ 87(2)(g)

Allegation C – Abuse of Authority: In front of § 87(2)(b) in Brooklyn, PO Anthony Donaldson frisked § 87(2)(b)

As was discussed above, although § 87(2)(b) identified PO Donaldson by name, and recognized him as the officer who frisked him during a photo viewing, PO Donaldson said he was not working at the time of this incident, an account that is supported by available police documentation. § 87(2)(g)

§ 87(2)(g)

Allegation D – Abuse of Authority: In front of § 87(2)(b) in Brooklyn, PO Francisco Rivera frisked § 87(2)(b)

As was discussed above, neither § 87(2)(b) nor § 87(2)(b) identified the third individual they were with when they were stopped. The investigation was unable to identify this third individual through police testimony or documents.

§ 87(2)(g)

Allegation H – Abuse of Authority: At the 75th Precinct stationhouse, Sgt. Shibu Madhu authorized a strip search of § 87(2)(b)

§ 87(2)(b) alleged that when he was brought to the 75th Precinct stationhouse, Sgt. Madhu, PO Rivera, and PO Donaldson escorted him to a room at the rear of the stationhouse, pulled down his pants to expose his buttocks, and that either PO Rivera or PO Donaldson – § 87(2)(b) could not tell which – swiped their fingers in between his buttocks.

No strip search of § 87(2)(b) was documented in the command log (BR 25), § 87(2)(b)'s arrest report (BR 03), or the memo books of Sgt. Madhu (BR 25), PO Rivera (BR 40), PO Donaldson (BR 35), or PO Ulrich (BR 27).

Sgt. Madhu (BR 19) and PO Rivera (BR 20) denied searching § 87(2)(b) in the manner described. Sgt. Madhu denied ever performing or approving of a strip search for § 87(2)(b).

§ 87(2)(b) Sgt. Madhu had no recollection of suspecting § 87(2)(b) of secreting contraband on his body. As was previously discussed, PO Donaldson (BR 38) denied any involvement in this incident whatsoever. PO Ulrich (BR 36) said that § 87(2)(b) was not, to his knowledge, ever strip searched.

§ 87(2)(g)
[REDACTED]
[REDACTED].

§ 87(2)(g), § 87(4-b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date